THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.25121 OF 2006

DATED 04-12-2006

Between:

Palakolanu Subbamma .. Petitioner

And

The District Collector,
Kadapa District and another .. Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.25121 OF 2006

Oral Order:

The petitioner alleges that without any authority of law and without initiating proceedings under the Land Acquisition Act 1894 or any other statutory regime, the respondents are attempting to dispossess the petitioner from her lands in an extent of Ac.7-61 cents in Sy.No.364 and Ac. 1-90 cents in Sy.No. 369 of Siddavaram village, Porumamilla Mandal, Kadapa District for digging a canal through the lands in question.

In respect of such grievance, the petitioner has a plurality of remedies. The petitioner can exercise the right of private defence to prevent the persons criminally trespassing into her property by using reasonable and countervailing force to resist such trespass. The petitioner can complain to the jurisdictional police station by naming the persons who or at whose instance the criminal trespass or unlawful dispossession of the petitioner's property is being attempted or executed. Such a complaint can be made even against the respondents since they are not immune to the provisions of the Indian Penal Code. The petitioner has yet another remedy of seeking injunctive or other appropriate relief before the Civil Court of competent jurisdiction and in case of urgency, may also seek dispensing with the notice period under Section 80 of the Code of Civil Procedure.

In the light of the availability of the several remedies, this Court finds no justification in granting relief under Article 226 of the

Constitution of India.

The Writ Petition is dismissed relegating the petitioner to pursue appropriate remedies, which are alternative and equally efficacious and are also available nearer the natural habitat of the petitioner.

_____

GODA RAGHURAM, J

04-12-2006
IBL/GRR